

REMARKS

This Reply is responsive to the non-final Office Action¹ of June 15, 2006. Claims 1-44 were presented for examination and were rejected. No claims are added or canceled. Claims 1, 17, 18, 19, 34, 35, 36, 39, 43 and 44 are independent claims and all are amended. No new matter is added as detailed below. Claims 1-44 are pending.

Claims 1, 4-6, 8, 11, 12, 16-19, 21-23, 25, 27-29 and 33-38 are rejected under 35 U.S.C. §102(a) as being anticipated by Menon et al. (U.S. H2079, hereinafter "Menon"). Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Menon in view of Hunter et al. (U.S. 4,751,697, hereinafter "Hunter"). Claims 3, 13-15, 20, 30-32, 43 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Menon in view of Coombes et al. (U.S. 6,650,908, hereinafter "Coombes"). Claims 7 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Menon. Claims 10 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Menon in view of Wilson (U.S. 5,185,796, hereinafter "Wilson"). Claims 39-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Menon in view of Coombes further in view of Hunter et al. (U.S. 4,751,697, hereinafter "Hunter"). Applicant respectfully traverses these rejections because principal reference Menon is deficient and fails to disclose or suggest all claim limitations in each of the independent claims and, therefore, in each of the pending claims. Consider, e.g., claim 1:

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

A patch panel system, comprising: an interface unit that includes a plurality of ports configured to connect to a plurality of user devices, the interface unit being configured to: receive one or more analog signals from a user device of the plurality of user devices via a port of the plurality of ports, generate a packet from the one or more analog signals, and transmit the packet; and a radio unit configured to: receive the packet, convert the packet to a depacketized radio signal, and transmit the depacketized radio signal over a radio channel.
(Claim 1, emphasis added)

Claim 1, as currently amended, clearly calls for a patch panel system which comprises, *inter alia*, a radio unit which is configured to *inter alia* convert a packet to a depacketized radio signal and transmit that depacketized radio signal over a radio channel. Support for this amendment can be found in Applicant's specification, as filed, at least on page 10, paragraph [0036]. In Applicant's Fig. 1, the radio unit would be one of 130-1 to 130-3 and the signal would be transmitted over one of antenna 135-1 to 135-3, respectively. However, Menon does not show a depacketized radio signal being transmitted over a radio channel, as explained below.

In the Office Action, page 2, the Examiner applies Menon's element number 64 (Menon, Fig. 2) against Applicant's radio unit (Applicant's Fig. 1, 130-1, 130-2 or 130-3). In other words, Menon's wireless subsystem 64 is asserted by the Examiner as being allegedly equivalent to Applicant's radio, e.g., radio unit 130-1. That being the case, it follows that the Examiner would view Menon's transmission 22 as being equivalent to Applicant's radio transmission (that which is transmitted from, or received by, e.g., antenna 135-1). Indeed, the Examiner makes this association and applies Menon, column 7, lines 39-41 against Applicant's radio unit configured to receive the packet and transmit the radio signal over a radio channel: "The radio unit of Menon et al. receives the packet and transmits the signal wirelessly over a radio channel (Column 7, lines 39-41)." (Office Action, page 2) This section of Menon says:

“Wireless subsystems 64, 66 may each comprise any suitable device operable to manage one or more communications channels over wireless interface 22.” (Menon, col. 7, lines 39-41).

But, the deficiency in Menon which appears to have been overlooked by the Examiner in the application of this art against Applicant’s claims is that Menon’s wireless transmission 22 is limited to wireless transmission of PACKETS only. Consider the following relevant sections of Menon:

In one embodiment, the voice, fax, and data traffic are communicated over wireless interface 22 in packets of data. (Menon, col. 3, lines 63-64, emphasis added)

Wireless router 14 also receives data packets from PSTN gateway 16a and packet network 20 destined for subscriber 12, and wireless router 14 communicates the packets to subscriber 12 over wireless interface 22. (Menon, col. 4, lines 31-35, emphasis added)

In addition, wireless router 14 may receive packets containing voice, fax, and/or data traffic destined for subscriber 12 from PSTN gateway 16 or packet network 20, and wireless router 14 communicates the incoming packets to subscriber 12 over wireless interface 22. (Menon, col. 5, lines 46-50, emphasis added)

Wireless subsystems 64, 66 may, for example, establish a communications channel over wireless interface 22 and then transmit and receive data packets over wireless interface 22. (Menon, col. 7, lines 27-30, emphasis added)

In one aspect of operation, fixed wireless unit 50 and wireless router 14 communicate over wireless interface 22 and exchange voice, fax, and data traffic contained in data packets. (Menon, col. 7, lines 59-62, emphasis added)

The packets are communicated to wireless router 14 over wireless interface 22. (Menon, col. 8, lines 1-3, emphasis added)

This may include, for example, wireless subsystem 64 receiving the packets from wireless router 14 over wireless interface 22. (Menon, col. 9, lines 9-11, emphasis added)

This may include, for example, wireless subsystem 66 in wireless router 14 receiving packets from subscriber 12 over wireless interface 22. (Menon, col. 9, lines 34-36, emphasis added)

Based on the foregoing excerpts from Menon, it is clear that the wireless interface 22 is dedicated to transmission of packets. Indeed, there is no discussion in Menon of anything other than this kind of transmission via communication link 22. Accordingly, Menon does not disclose or suggest: “a radio unit configured to: receive the packet, convert the packet to a depacketized radio signal, and transmit the depacketized radio signal over a radio channel” as recited in claim 1. Menon’s “signals” are not “depacketized.”

MPER § 2131 states that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” See *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). In this instance, the reference does not teach Applicant’s recited radio unit because it does not teach conversion of the packet to a depacketized radio signal and does not teach transmission of the depacketized radio signal over a radio channel. On this basis alone, the 35 U.S.C. §102(a) rejection of claim 1 should be withdrawn and the claim allowed. In addition, there may be other differences between Menon and Applicant’s claim 1.

All of the other independent claims, which have been rejected either as being anticipated by Menon or as being unpatentable over Menon in view of other references, have been amended similarly to amended claim 1. Each of the other applied references, namely Hunter, Coombes, and Wilson, was cited for reasons unrelated to this deficiency in teaching reference Menon and, therefore, does not cure this deficiency in Menon. Therefore, all of the other independent claims,

namely claims 17, 18, 19, 34, 35 36, 39, 43 and 44 are allowable for reasons given above with respect to claim 1.

All of the dependent claims are likewise allowable, at least for reasons based on their dependencies from allowable base claims. The dependent claims may also be allowable for reasons based on their individual recitations. For example, claims 8 and 25 depend from claims 1 and 19, respectively, are rejected as being anticipated by Menon, and are allowable for reasons based on their dependencies from allowable base claims as noted above. But, in addition, they recite “wherein the radio signal includes one of an amplitude modulated waveform and a frequency modulated waveform” where AM and FM transmission are not disclosed in Menon.

The Examiner cites Menon, column 6, lines 44-48, against claims 8 and 25 as disclosing FM transmission. But, this section of Menon discusses dual tone multi-frequency (DTMF) decoding to support push button dialing in telephones or fax machines, and DTMF is not FM transmission. Assuming, arguendo, that DTMF is FM, which it isn't, then this section of Menon is still not applicable against Applicant's claims 8 and 25 because this section is discussing the activity of DTMF inside Menon's telephone interface 58, not within subsystem 64 which the Examiner is reading on Applicant's radio unit. If FM did exist in Menon, which it does not, it would be the radio unit which would utilize FM, so the mere usage of DTMF in a component that isn't the alleged equivalent of the “radio unit” certainly cannot be relevant to Applicant's claims 8 or 25. Thus, Menon does not disclose or suggest “wherein the radio signal includes one of an amplitude modulated waveform and a frequency modulated waveform” as recited in claims 8 and 25 which are additionally allowable on this basis alone.

In view of the above, Applicant respectfully requests that the rejections of all claims be withdrawn and the claims allowed.

Applicant reserves its rights to present additional arguments against Menon relative to other independent and dependent claim elements, if the Examiner does not pass this case to issue.

CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance.

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Respectfully submitted,

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/Eden Stright/ Eden Stright, Reg. No. 51,205 for

Joel Wall
Attorney for Applicant
Registration No. 25,648

Verizon
1515 Courthouse Road, Suite 500
Arlington, VA 22201-2909
Tel: 703.351.3586
Fax: 703.351.3665
CUSTOMER NO. 25537